

Service Date: March 13, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of Inquiry into the	)	
Commission's Jurisdiction and	)	NOTICE OF INQUIRY
Procedural Options Regarding	)	
Contemplated Rulemaking for Tele-	)	ORDER NO. 0002
communication Plant Investments.	)	

FINAL ORDER ON NOTICE OF INQUIRY

1. On October 25, 1988 the Montana Public Service Commission (PSC or Commission) initiated a "Notice of Inquiry" to investigate the Commission's jurisdiction and procedural options regarding contemplated rulemaking for telecommunications plant investments.
2. Comments were filed on January 6, 1989 by USWC, AT&T, GTE, Northwestern Telephone Systems, Inc., Montana Consumer Counsel (MCC) and the Montana Power Company.
3. Reply comments were filed by USWC, GTE and MCC.
4. This proceeding was initiated largely in response to the strong interest expressed by USWC in exploring alternative regulatory mechanisms to prospectively address substantial new investments in new telecommunications technology. The Briefs submitted by many parties centered around the current state of the law in Montana

regarding preapproval of utility investments, and the limitations of the Commission's statutory authority in that area. USWC's Reply Brief stated: "USWC respectfully suggests that in light of this opposition [expressed in the comments of other parties], the concept of a broad-scale proceeding to address these issues should be pursued no further."

5. In light of USWC's Reply Comments, the Commission has taken no further action in this proceeding. The Commission is currently examining telecommunications modernization in USWC Docket No. 90.12.86. The Commission expresses its sincere appreciation and thanks to the parties who filed comments and participated in this proceeding.

WHEREFORE, IT IS HEREBY ORDERED that the Commission's Notice of Inquiry proceeding into the Commission's Jurisdiction and Procedural Options Regarding Contemplated Rulemaking for Telecommunications Plant Investments is hereby closed.

Done and Dated this 24th day of February, 1992 by a vote of 5 – 0.

## BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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HOWARD L. ELLIS, Chairman

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DANNY OBERG, Vice Chairman

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BOB ANDERSON, Commissioner

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JOHN B. DRISCOLL, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.